UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,972	11/17/2001	John E. Auer	2000P09061US01	3374

7590 07/05/2005	**EXAMINER**
JACK J. SCHWARTZ & ASSOCIATES 1350 BROADWAY SUITE 1507 NEW YORK, NY 10018-7702	BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/990,972	AUER ET AL.
	Examiner	Art Unit	
	Dennis G. Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 11-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 11-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   It is hereby acknowledged that the following papers have been received and

placed on record in the file: Amendment as received on 4-11-05.

3.   Claims 1-20 have been examined.

Status of Claims:

4.   Claims 1-5, 15, 18, and 20 are rejected under 35 U.S.C. 102(e) as being

anticipated by Schoenberg et al., Patent #6,322,502, hereinafter Schoenberg.

5.   Claims 6, 7, 16, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable

over Schoenberg.

6. .   Claims 8, 11-14, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Schoenberg and Schwuttke et al., Patent #6,222,547, hereinafter

Schwuttke.

7.   Claims 9 and 10 have been canceled by the applicant.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

9.   Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention. It

is unclear what is meant by the "nonrestrictive plurality of available medical parameters"

through reading the specification.

Claim Objections

10.   Claim 2 is objected to because of the following informalities: It is unclear what

the significance of "areas" is in "said first and second window areas". Appropriate

correction is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   · Claims 1-5, 15, 18, and 20 are rejected under 35 U.S.C. 102(e) as being

anticipated by Schoenberg et al., Patent #6,322,502, hereinafter Schoenberg.

3.   With regard to claim 1, which teaches a network compatible configurable user

interface system for displaying sequentially generated patient medical information and

data together with a time indication for identifying a trend, Schoenberg teaches, in

column 7, lines 32-43, column 4, line 5, and in figure 2A, a networked system for

providing medical data in a time indicated form, with user changeable settings. With

regard to claim 1, further teaching a display menu generator for generating, Schoenberg

teaches, in column 7, lines 22-31, a displayed menu bar. With regard to claim 1, further

teaching a single customizable menu enabling a user to select parameters for display in

a first graphical format and in a second tabular format, Schoenberg teaches, in column

7, lines 22-43, and in figure 2A, a customizable menu for selecting parameters to be

displayed in tabular and graphical views. With regard to claim 1, further teaching a

menu containing a set of medical parameter labels representing a corresponding

plurality of available medical parameters, Schoenberg teaches, in column 7, lines 36-43,

and in figure 2A, a menu allowing for selection of medical parameter labels, which

provide an associated set of medial parameters, where the measured characteristics

displayed are selectively determined by the user (see column 7, lines 13-22).

With regard to claim 1, further teaching a first window for displaying a list of user

selected ones of said plurality of available medical parameters for display in a general

format, a second window for displaying a list of user selected one of said plurality of

available medical parameters for display in a tabular format, Schoenberg teaches, in

column 7, lines 22-36, the offering to the user of up to four simultaneous displays where

each of the data sets can be displayed in a variety of formats including graphical,

tabular, bar chart, and pie chars formats, with or without spilt screen; each capable of

displaying user selected medical parameters. With regard to claim 1, further teaching

parameter selection icons enabling user selection of medical parameter labels from the

menu and display of said selected medical parameters labels in a selected one of the

first and second windows, wherein a user is able to configure a user interface image

display by selecting a first of said medical parameter labels form said menu for display

exclusively in graphical format and a second of said medical parameter labels for, from

said menu for display exclusively in tabular format, and a display generator for

generating display of the selected parameters, Schoenberg teaches, in column 6, lines

38-41, the users ability to view medical graphics in exclusively graphic-only, exclusively

tabular-only, or graphic/tabular display forms; and in column 7, lines 22-43, and in

figures 2A and 2B, the display of only graphical data or only tabular data where

selection of elements is made via icons on a menu bar (Vital, Resp., Hematology,

Validate), and through selection of a parameter icon, providing the graphical (and/or

tabular) representation of the selected parameter to be displayed.

4.   With regard to claim 2, which teaches incorporating selected parameters in first

and second window areas of the customization menu, Schoenberg teaches, in column

7, lines 36-43, and in figure 2A, selection of an parameter icon provides the graphical

and tabular representation to be displayed. With regard to claim 2, further teaching the

display generator displaying parameter data associated with the first window in a

graphical format and displaying parameter data associated with the second window in a

tabular format, Schoenberg teaches, in column 6, lines 38-55 and in figure 2A, a display

of the selected data in a graphical and tabular view. The display of

5.   With regard to claim 3, which teaches the customization menu enabling

allocation of a plurality of different sets of selected parameters to a corresponding

plurality of display categories, Schoenberg teaches, in column 7, lines 22-43, and in

figure 2A and figure 2B, a customizable menu for selecting a plurality of parameters to

be displayed in tabular and graphical views.

6.   With regard to claim 4, which teaches the categories include at least two

associated with medical categories, Schoenberg teaches, in column 7, lines 22-53, and

in figure 2A, the categories including homodynamic function, neurology, laboratory

results, and other such medical measurements.

7.   With regard to claim 5, which teaches the customization menu enabling display

of at least one predetermined list of selected parameters associated with a particular

display category, Schoenberg teaches, in column 7, lines 36-53, and in figure 2A, a list

of specific parameters being displayed (DBP, SBP, and CVP) corresponding to VITAL

SIGNS.

8.   With regard to claim 15, which teaches a network compatible configurable user

interface system for displaying sequentially generated patient medical information and

data together with a time indication for identifying a trend, Schoenberg teaches, in

column 7, lines 32-43, column 4, line 5, and in figure 2A, a networked system for

providing medical data in a time indicated form, with user changeable settings. With

regard to claim 15, further teaching a display menu generator for generating,

Schoenberg teaches, in column 7, lines 22-31, a displayed menu bar. With regard to

claim 15, further teaching a single customizable menu enabling a user to select

parameters for display in a first graphical format and in a second tabular format,

Schoenberg teaches, in column 7, lines 22-43, and in figure 2A, a customizable menu

for selecting parameters to be displayed in tabular and graphical views. With regard to

claim 15, further teaching a menu containing a set of medical parameter labels

representing a corresponding plurality of available medical parameters, Schoenberg

teaches, in column 7, lines 36-43, and in figure 2A, a menu allowing for selection of

medical parameter labels. With regard to claim 15, further teaching a first and second

window areas for displaying user selected parameters for displaying with associated

parameter data in graphical and tabular format respectfully, Schoenberg teaches, in

column 7, lines 36-43, and in figure 2A, selection of an parameter icon provides the

graphical and tabular representation to be displayed. With regard to claim 15, further

teaching parameter selection icons enabling user selection of medical parameter labels

from the menu, wherein a user is able to select medical parameter labels for display in

graphical format exclusively of selection of parameter labels for display in tabular

format, Schoenberg teaches, in column 6, lines 38-41, the users ability to view medical

graphics in exclusively graphic-only, exclusively tabular-only, or graphic/tabular display

forms; and in column 7, lines 22-43, and in figures 2A and 2B, the display of only

graphical data or only tabular data where selection of elements is made via icons on a

menu bar (Vital, Resp., Hematology, Validate), and through selection of a parameter

icon, providing the graphical (and/or tabular) representation of the selected parameter to

be displayed. With regard to claim 15, further teaching the display generator

displaying parameter data associated with the first window in a graphical format and

displaying parameter data associated with the second window in a tabular format,

Schoenberg teaches, in column 6, lines 38-55 and in figure 2A, a display of the selected

data in a graphical and tabular view.

9.   With regard to claims 18 and 20, which teach user being able to select a third of

said medical parameter labels from said menu for display in said first window for display

in graphical format and said second window for display in tabular format, Schoenberg

teaches, in column 7, lines 22-36, the offering to the user of up to four simultaneous

displays where each of the data sets can be displayed in a variety of formats including

graphical, tabular, bar chart, and pie chars formats, with or without spilt screen; each

capable of displaying user selected medical parameters, where selection of elements is

made via icons on a menu bar (Vital, Resp., Hematology, Validate), as is the user

enabled to select a different medical parameter for display in each of the plurality of

windows (in this case a graphical one and a tabular one), the user is able to select the

same medical parameter, in both windows, which is visible in all of the windows of figure

2B.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 6, 7, 16, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable

over Schoenberg.

12.   With regard to claims 6 and 16, which teach the customization menu further

comprising placement selection icons for re-ordering display of selected parameters,

Schoenberg teaches, in figure 2A, a menu bar with two icons which both include a plus

sign but have a line connected to it in opposite directions, It would have been obvious to

one of ordinary skill in the art, having the teachings of Schoenberg before him at the

time the invention was made to realize that most tabular programs have a means of

reordering entries based on some sort of least to greatest or greatest to least ordering.

This is further usually done through the selection of such an icon.

13.   With regard to claims 7 and 17, which teach the customization menu further

comprising category selection icons for re-ordering display of available categories of

medical parameters for user selection, Schoenberg teaches, in figure 2A, and 2B and

column 7, lines 22-43, a menu bar with icons providing manipulation of the screen into

multiple quadrants, where in the quadrants categories are listed in different order this

menu bar containing two icons with a plus sign encapsulated by a circle with a line

either above or below the circle (a symbol known in the art to provide rearrangement of

items in a list). It would have been obvious to one of ordinary skill in the art, having the

teachings of Schoenberg before him at the time the invention was made to realize that

most tabular programs have a means of reordering entries/categories based on some

sort of least to greatest or greatest to least ordering, using a icon similar to that of

Schoenberg. This is further usually done through the selection of such an icon.

14.   Claims 8, 11-14, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Schoenberg and Schwuttke et al., Patent #6,222,547, hereinafter

Schwuttke.

15.   With regard to claim 8, Schoenberg teaches, in column 7, lines 32-43, column 4,

line 5, and in figure 2A, a networked system for providing medical data in a time

indicated form, with user changeable settings; in column 7, lines 22-31, a displayed

menu bar; in column 7, lines 22-43, and in figure 2A, a customizable menu for selecting

parameters to be displayed in tabular and graphical views; in column 6, lines 38-41, the

users ability to view medical graphics in graphic-only, tabular-only, or graphic/tabular

display forms; , in column 7, lines 22-36, the offering to the user of up to four

simultaneous displays where each of the data sets can be displayed in a variety of

formats including graphical, tabular, bar chart, and pie chars formats, with or without

spilt screen; each capable of displaying user selected medical parameters; and in

column 7, lines 22-43, and in figures 2A and 2B, the display of only graphical data or

only tabular data where selection of elements is made via icons on a menu bar (Vital,

Resp., Hematology, Validate), and through selection of a parameter icon, providing the

graphical (and/or tabular) representation of the selected parameter to be displayed.

Schoenberg, however, doesn't specifically mention user selection of a set of default

parameters. Schwuttke teaches a system for displaying medical parameters in both

graphical and tabular views (see column 12, lines 14-25 and figure 2), but further

teaches the user selectable default parameter set (see column 10, line 65 through

column 11, line 9). It would have been obvious to one of ordinary skill in the art, having

the teachings of Schoenberg and Schwuttke before him at the time the invention was

made to modify the medical information visualization system of Schoenberg to include

the setting of default parameters as did Schwuttke. One would have been motivated to

make such a combination because the setting of defaults provides a good starting point

for collecting specific information on a machine that can be transferred between very

different environments.

16.   With regard to claim 11, which teaches the customization menu enabling user

definition of a plurality of default parameter sets, Schoenberg teaches, in column 7,

lines 22-43, and in figure 2A, a customizable menu for selecting parameters to be

displayed in tabular and graphical views, and Schwuttke further teaches, the user

selectable default parameter set (see column 10, line 65 through column 11, line 9).

17.   With regard to claim 12, which teaches the categories include at least two

associated with medical categories, Schoenberg teaches, in column 7, lines 22-53, and

in figure 2A, the categories including homodynamic function, neurology, laboratory

results, and other such medical measurements.

18.   With regard to claim 13, which teaches the customization menu further

comprising placement selection icons for re-ordering display of selected parameters,

Schoenberg teaches, in figure 2A, a menu bar with two icons which both include a plus

sign but have a line connected to it in opposite directions, It would have been obvious to

one of ordinary skill in the art, having the teachings of Schoenberg before him at the

time the invention was made to realize that most tabular programs have a means of

reordering entries based on some sort of least to greatest or greatest to least ordering.

This is further usually done through the selection of such an icon.

19.   With regard to claim 14, which teaches the customization menu further

comprising category selection icons for re-ordering display of available categories of

medical parameters for user selection, Schoenberg teaches, in figure 2A, and 2B and

column 7, lines 22-43, a menu bar with icons providing manipulation of the screen into

multiple quadrants, where in the quadrants categories are listed in different order, It

would have been obvious to one of ordinary skill in the art, having the teachings of

Schoenberg before him at the time the invention was made to realize that most tabular

programs have a means of reordering entries/categories based on some sort of least to

greatest or greatest to least ordering. This is further usually done through the selection

of such an icon.

20.   With regard to claim 19, which teaches a user being able to select a third of said

medical parameter labels from said menu for display in said first window for display in

graphical format and said second window for display in tabular format, Schoenberg

teaches, in column 7, lines 22-36, the offering to the user of up to four simultaneous

displays where each of the data sets can be displayed in a variety of formats including

graphical, tabular, bar chart, and pie chars formats, with or without spilt screen; each

capable of displaying user selected medical parameters, where selection of elements is

made via icons on a menu bar (Vital, Resp., Hematology, Validate), as is the user

enabled to select a different medical parameter for display in each of the plurality of

windows (in this case a graphical one and a tabular one), the user is able to select the

same medical parameter, in both windows, which is visible in all of the windows of figure

2B.

Response to Arguments

21.   The arguments filed on 4-11-05 have been fully considered but they are not

persuasive. Reasons set forth below.

22.   The applicants' argue that Schoenberg teaches "a display menu generator for

generating, a single customization menu enabling user selection of parameters for

display in a first graphical format and in a second tabular format."

23.   In response, the examiner respectfully submits that Schoenberg teaches, in

column 6, lines 38-41, the users ability to view medical graphics in graphic-only, tabular-

only, or graphic/tabular display forms; and in column 7, lines 22-43, and in figures 2A

and 2B, a menu bar for selecting which elements are to be displayed in the graphical

and/or tabular representation of the selected parameters. This single menu in figure 2B

is the one with the screen division icons.

24.   The applicants' argue that Schoenberg teaches "a menu containing a set of

medical parameter labels."

25.   In response, the examiner respectfully submits that Schoenberg teaches, in

column 7, lines 28-36, a menu containing a plurality of medical parameters (Vital Signs,

Respiration, Hematology, and Blood Gases).

26.   The applicants' argue that Schoenberg teaches "parameter selection icons

enabling user selection of medical parameter labels from the menu."

27.   In response, the examiner respectfully submits that Schoenberg teaches, in

column 7, lines 28-36, a menu containing a plurality of selectable medical parameters.

These medical parameters being selectable tabs in the menu display.

28.   The applicants' argue that Schoenberg teaches "a first window for displaying a

list of user selected ones of said plurality of available medical parameters for display in

a general format, a second window for displaying a list of user selected one of said

plurality of available medical parameters for display in a tabular format".

29.   In response, the examiner respectfully submits that Schoenberg teaches, in

column 7, lines 22-36, the offering to the user of up to four simultaneous displays where

each of the data sets can be displayed in a variety of formats including graphical,

tabular, bar chart, and pie chars formats, with or without spilt screen; each capable of

displaying user selected medical parameters.

30.   The applicants' argue that Schoenberg teaches "a user being able to configure a

user interface image display by selecting a first of said medical parameter labels from

said menu for display exclusively in graphical format and a second of said medical

parameter labels from said menu for display -exclusively in tabular format."

31.   In response, the examiner respectfully submits that Schoenberg teaches, in

column 6, lines 38-41, the users ability to view medical graphics in exclusively graphic-

only, exclusively tabular-only, or graphic/tabular display forms; and in column 7, lines

22-43, and in figures 2A and 2B, the display of only graphical data or only tabular data

where selection of elements is made via icons on a menu bar (Vital, Resp., Hematology,

Validate), and through selection of a parameter icon, providing the graphical (and/or

tabular) representation of the selected parameter to be displayed.

32.   The applicants' argue the combination of the Schoenberg reference and the

Schwuttke reference.

33.   In response, the examiner respectfully submits that Schwuttke teaches a system

for displaying medical parameters in both graphical and tabular views (see column 12,

lines 14-25 and figure 2) and further points out the benefit of providing a graphical

display with the tabular data (see column 3, lines 19-45), and, as pointed out by the

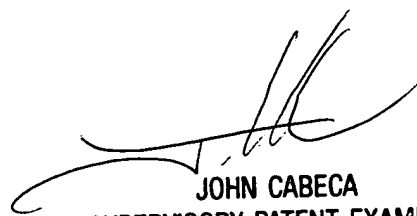applicant, relationships between data sets, similar to that of Schoenberg.

Conclusion

34.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dennis G. Bonshock whose telephone number is (571)

272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00

p.m.

35.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

36.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

1-12-05
dgb

JOHN CABECA
SUPERVISORY PATENT EXAMIN:
TECHNOLOGY CENTER 21